

# House File 179 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HF 8)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act including members of the clergy as mandatory reporters of  
2 child abuse, and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1023HV 83  
5 jp/nh/5

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1 1 Section 1. Section 232.69, subsection 1, paragraph b, Code  
1 2 2009, is amended by adding the following new subparagraph:  
1 3 NEW SUBPARAGRAPH. (14) A member of the clergy. However,  
1 4 if the belief that a child has suffered abuse arises from  
1 5 information obtained only during a penitential communication,  
1 6 the clergy member is not subject to the requirement to make  
1 7 the report. This subparagraph shall not be construed to  
1 8 modify or limit a clergy member's duty to report the belief  
1 9 that a child has been abused when the clergy member is acting  
1 10 in some other capacity that would otherwise make the clergy  
1 11 member a mandatory reporter of abuse. For the purposes of  
1 12 this subparagraph, unless the context otherwise requires:  
1 13 (a) "Clergy member" or "member of the clergy" means an  
1 14 individual who is designated as clergy by ordination,  
1 15 licensing, or other form of entitlement by the religious group  
1 16 or sect with whom the individual is affiliated.  
1 17 (b) "Penitential communication" means a communication  
1 18 intended to be in confidence, including but not limited to a  
1 19 sacramental confession made to a clergy member who, in the  
1 20 course of the discipline or practice of the clergy member's  
1 21 religious group or sect, is authorized to hear those  
1 22 communications, and under the discipline, practice, tenets, or  
1 23 customs of the religious group or sect, the clergy member has  
1 24 the duty to keep the communication secret.  
1 25 Sec. 2. Section 232.69, subsection 3, paragraph b, Code  
1 26 2009, is amended to read as follows:  
1 27 b. A person required to make a report under subsection 1,  
1 28 other than a physician whose professional practice does not  
1 29 regularly involve providing primary health care to children or  
1 30 a member of the clergy, shall complete two hours of training  
1 31 relating to the identification and reporting of child abuse  
1 32 within six months of initial employment or self-employment  
1 33 involving the examination, attending, counseling, or treatment  
1 34 of children on a regular basis. Within one month of initial  
1 35 employment or self-employment, the person shall obtain a  
2 1 statement of the abuse reporting requirements from the  
2 2 person's employer or, if self-employed, from the department.  
2 3 The person shall complete at least two hours of additional  
2 4 child abuse identification and reporting training every five  
2 5 years.

### EXPLANATION

2 7 This bill requires members of the clergy to be mandatory  
2 8 reporters of child abuse under certain circumstances.  
2 9 Members of the clergy are added to the list of those who  
2 10 are mandatory reporters of child abuse in Code section 232.69.  
2 11 An exception to the requirement applies if due to information  
2 12 obtained only during a penitential communication a clergy  
2 13 member comes to believe a child has suffered abuse.  
2 14 "Member of the clergy" or "clergy member" is defined as a  
2 15 person authorized by ordination, licensing, or other form of  
2 16 entitlement of the religious group or sect with which the  
2 17 person is affiliated to provide pastoral care and counseling

2 18 to the group, sect, or others. "Penitential communication" is  
2 19 defined as communication intended to be in confidence to a  
2 20 clergy member who is authorized to hear and has a duty to keep  
2 21 secret such communication in accordance with the discipline,  
2 22 tenets, customs, or practices of the clergy member's religious  
2 23 group or sect.  
2 24 Current law requires a mandatory reporter of child abuse to  
2 25 complete two hours of training relating to the identification  
2 26 and reporting of child abuse every five years. The bill  
2 27 provides an exception to this requirement for members of the  
2 28 clergy.  
2 29 LSB 1023HV 83  
2 30 jp/nh/5